

IN THE UNITED STATES DISTRICT COURT
FOR THE OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC
MDL No. 2641

This Document Relates to:

Case No. 2:15-cv-00963-DGC

Motion for Leave to File Amended Complaint

Counsel, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), moves this Court for an order granting leave to file an Amended Complaint that replaces Jeff M. Edwards as named Plaintiff with his sister, Cindy McKinzie.

Plaintiff filed a short form complaint on April 6, 2016, in the District of Arizona, Phoenix Division, MDL No. 2641. Plaintiff's complaint listed his mother, Florence Edwards, as the "Plaintiff/Deceased Party," and it listed Plaintiff, Jeff Edwards, as the "Spousal Plaintiff/Deceased party's spouse or other party making loss of consortium claim." Plaintiff now moves to substitute his sister, Cindy McKinzie, for himself on the complaint. The deceased party, Florence Edwards, will remain the same, but the action will go forward with Cindy McKinzie as the named Plaintiff, individually and as administrator of the estate of Florence Edwards. The amended complaint also adds claims for Wrongful Death and Survival.

Because Defendants have not answered in this action, FRCP 15(a)(1)(B) permits Plaintiff to make this amendment as a matter of course. However, because this amendment requires the Clerk's office to replace the named Plaintiff on the docket, Plaintiff was instructed by the Clerk's Office to file this motion.

Pursuant to Local Rule 15.1(a), Plaintiff has attached the amended complaint, as well as a version of the Amended Complaint in which Plaintiff has indicated all changes to the original Complaint by underlining additional text and striking through all text to be deleted.

Based on the foregoing, Plaintiff requests that the Court grant Plaintiff's Motion for Leave to File an Amended Complaint, and direct the Clerk to file the attached Amended Complaint and to substitute Cindy McKinzie as the named plaintiff in the case.

RESPECTFULLY SUBMITTED November 29, 2016.

By: /s/ Richard S. Lewis

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Richard S. Lewis

Richard S. Lewis